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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-sixth (extraordinary) session
13-31 August 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

UKRAINE

1. The Committee considered the fourth periodic report of Ukraine on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.2) at its 40th and 41st meetings (E/C.12/2001/SR.40 and 41), held on 20 August 2001, and adopted, at its 54th meeting (E/C.12/2001/SR.54), held on 29 August 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of the State party as well as its written replies to the list of issues (E/C.12/Q/UKR/2). The Committee appreciates the frank dialogue that took place and the delegation's efforts to address the questions raised during the discussion.

B. Positive aspects

3. The Committee notes with satisfaction the recent enactment of legislation relating to the protection of human rights, including the Law on Refugees, the Law on Immigration, the Law on Citizenship and the Penal Code.

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4. The Committee welcomes the national plan of action to improve the situation of women and enhance their role in society.

5. The Committee welcomes the establishment of the office of the Authorized Human Rights Representative of the Verkhovna Rada (Supreme Council), which has considered many complaints in relation to economic, social and cultural rights.

6. The Committee further welcomes the State party's willingness, as expressed by the delegation during the dialogue, to cooperate with United Nations specialized agencies and other international organizations in such areas as poverty reduction, gender equality, integration of the Crimean Tatars, women and children's health, the review of human rights legislation, support for the Authorized Human Rights Representative of the Verkhovna Rada, and the trafficking of persons.

7. The Committee welcomes the establishment by the State party of a fund for social insurance.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes that the State party's transition to a market economy has had a negative impact on the implementation of the rights contained in the Covenant.

D. Principal subjects of concern

9. The Committee is concerned about the high level of poverty in the country and the inadequate measures taken by the State party to combat it. This is exacerbated by, among other things, the privatization policies that the State party has implemented, high unemployment, the low level of pensions and wages, a legal minimum wage which is below the recognized subsistence level, and the scarcity of adequate housing.

10. The Committee continues to express concern at the situation of women in society and the insufficient measures taken by the State party to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

11. The Committee is concerned at the large-scale trafficking and commercial sexual exploitation of women and children.

12. The Committee notes with concern de facto discrimination against ethnic minorities, such as the Crimean Tatars and Roma, and harassment of foreigners of African origin by law enforcement officials.

13. The Committee is concerned about the large number of children, especially newborns and children with disabilities, who are abandoned or are otherwise deprived of a family environment, and regrets the absence of an effective strategy to address this phenomenon.

14. The Committee expresses its concern about the scale of the arrears in the payment of wages and pensions, depriving the people concerned of the means for survival.

15. The Committee notes with deep concern the high number of accidents owing to inadequate health and safety standards in the workplace and obsolete industrial equipment, particularly in the mining sector, as well as the insufficient efforts of the State party to enforce the existing standards.

16. The Committee is concerned about restrictions on trade union freedoms, including the right of everyone to join a trade union of his/her choice, as well as acts of intimidation by local authorities against independent trade unions and their leaders.

17. The Committee notes with concern that the budgets allocated for education and scientific research have fallen sharply, leading to a deterioration in the quality of education. The Committee is particularly concerned about obsolete teaching materials and equipment in schools and colleges, and the low levels of remuneration for teachers.

18. The Committee is concerned at the deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services. The Committee notes with concern the rise in the incidence of sexually transmitted diseases (STD) and the spread of HIV/AIDS. It is also concerned about the high incidence of alcohol abuse and tobacco use, especially among persons under 18 years.

E. Suggestions and recommendations

19. The Committee recommends that the State party evaluate the economic reform policies with respect to their impact on poverty, and make efforts to adjust its programmes in a manner consistent with safeguarding the economic, social and cultural rights of the most vulnerable segments of society. In this regard, it draws the attention of the State party to the Committee's statement on poverty adopted on 4 May 2001.

20. The Committee recommends that the State party take into account its obligations under the Covenant in all aspects of its negotiations with international financial institutions, thus ensuring that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

21. While welcoming the delegation's confirmation of the State party's intention to prepare a human rights plan of action with the assistance of the Office of the High Commissioner for Human Rights, the Committee recommends that the State party elaborate, through an open and consultative process, a comprehensive national plan of action aimed at implementing its obligations under international human rights instruments, including the Covenant. The Committee requests the State party to annex a copy of the national human rights plan of action to its fifth periodic report, and to inform the Committee about the progress made in its implementation.

22. The Committee recommends that the State party strengthen the provisions in its legal order with respect to the prohibition of discrimination in accordance with article 2 (2) of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Recalling the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169), the State party should take all necessary steps to prevent incidents of racially motivated ill-treatment and ensure that timely and thorough investigations and effective prosecutions are carried out.

23. The Committee calls upon the State party to take all effective legal measures to prohibit gender discrimination in all fields of civil, political, economic, social and cultural life.

24. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including the representation of women at the various administrative levels, and in areas such as law enforcement, the legal profession and the judiciary, stressing the progress made during the reporting period.

25. The Committee calls upon the State party to ensure that employees are remunerated in a timely manner and that legislation on minimum wages is fully enforced.

26. The Committee recommends that the State party ensure that adequate resources are allocated for workplace accident prevention programmes, and that it continue to strengthen the resources and powers of the labour inspectorate. The Committee recommends that the State party consider ratifying the ILO Labour Inspection Convention, 1947 (No. 81).

27. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions, other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. The Committee requests the State party to ensure that such restrictions contained in the labour law are fully in line with article 8 of the Covenant, and that acts of intimidation against trade unions and their leaders are prohibited.

28. The Committee recommends that the State party adopt all appropriate measures to prevent and combat incidents of domestic violence and sexual harassment, as well as appropriate measures to reduce unemployment among women.

29. The Committee encourages the State party to strengthen its efforts to combat the trafficking and commercial sexual exploitation of women and children. It recommends that the State party vigorously pursue the enforcement of criminal laws in this regard; ensure that victims are not penalized and are provided with rehabilitation; ensure that the National Coordination Council against Trafficking is adequately resourced and staffed; and reinforce its cooperation with international and regional organizations, as well as on a bilateral basis. The Committee recommends that the State party, in its fifth periodic report, provide full information on the trafficking and commercial sexual exploitation of women and children, including data on the scale of the phenomenon.

30. The Committee urges the State party to take effective measures, including the development of strategies and awareness-raising activities, aimed at reducing and preventing the abandonment of children. In particular, the Committee recommends that the State party promote, through counselling and community-based programmes, the family as the best environment for the child and assist parents to keep their children at home. Moreover, it is recommended that the State party take effective measures to increase and strengthen family-based alternative care, so that children are placed in institutions only as a last resort.

31. The Committee recommends that the State party ensure that its commitment to primary health care is met by adequate allocation of resources and that all persons, especially from the most vulnerable groups, have access to health care. The Committee suggests that the State party establish comprehensive reproductive health programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. It further recommends that adolescents have access to and be provided with reproductive health education, as well as with STD and HIV/AIDS prevention programmes. The Committee recommends that the State party provide children with accurate and objective information about alcohol and tobacco use, and discourage activities on public mass media promoting their consumption.

32. The Committee recommends that the State party take all necessary measures to allocate the required resources to implement effectively the 1991 Law on Education. The Committee recommends that the State party ensure that general comments No. 11 on plans of action for primary education and No. 13 on the right to education, as well as general comment No. 1 of the Committee on the Rights of the Child on the aim of education, are duly taken into consideration when elaborating its educational policies. The Committee recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance in order to improve enrolment rates and monitor the quality of education.

33. The Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees as well as its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

34. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the content of the Covenant and its implementation among the public, civil society, and all sectors and levels of administration. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

35. Finally, the Committee requests the State party to ensure the wide dissemination in Ukrainian society at all levels of the present concluding observations and to inform the Committee of steps taken to implement the recommendations in its fifth periodic report, to be submitted by 30 June 2006.